

Issued in Washington, DC, on May 13, 1987.  
Elizabeth Hanford Dole,  
Secretary of Transportation.  
(FR Doc. 87-11519 Filed 5-19-87; 8:45 am)  
BILLING CODE 4910-82-M

14 CFR Part 385

[OST Docket No. 1; Amdt. 385-3]

**Aviation Proceedings; Staff Assignments and Review of Action Under Assignments**

**AGENCY:** Department of Transportation (DOT), Office of the Secretary.

**ACTION:** Final rule.

**SUMMARY:** This rule assigns to the Chief, Coordination Section, Documentary Services Division, the authority to perform the coordination functions assigned to the Department by Executive orders establishing procedures for Presidential review of certain Departmental decisions.

**EFFECTIVE DATE:** This rule is effective May 20, 1987.

**FOR FURTHER INFORMATION CONTACT:** Lawrence Myers, Office of the General

**Counsel (C-20)**, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590; (202) 366-9183.

**SUPPLEMENTARY INFORMATION:** Section 801 of the Federal Aviation Act (49 U.S.C. 1461) provides for Presidential review of DOT decisions affecting carrier operating rights or prices in foreign air transportation. The President may disapprove any such order for foreign relations or national defense reasons, within 60 days in the case of orders affecting carrier certificates or permits, and within 10 days in the case of orders affecting fares, rates or charges.

Executive Order 12597, issued May 13, 1987 (52 FR 18335) assigned to the Department various coordination functions incident to the exercise of that authority, including the transmittal of the Department's decisions to specified Executive departments and agencies the receipt of the decisions on behalf of the President, the receipt and implementation of classification recommendations under Executive Order 12356, the receipt of clearances or written recommendations to the President from the coordinating departments and agencies, and the timely transmittal of any such written recommendations to the Assistant to the President for National Security Affairs for further action. In the case of decisions which elicit no written recommendations to the President,

OST-99-6189-19

**Executive Order 12597** delegates to the Secretary the authority to exercise the President's authority to determine not to disapprove them and to issue such decisions for immediate effectiveness. In a companion rule, the Secretary's review authority is delegated to the General Counsel.

This rule assigns the authority to perform all coordination functions incident to the section 801 review process, except the authority to act for the President delegated to the Secretary as indicated above, to the Chief, Coordination Section, Documentary Services Division.

In a companion final rule, the Department is amending its Rules of Conduct in DOT proceedings, 14 CFR Part 300, to make clear that all communications incident to the section 801 review process are exempted from the prohibitions and restrictions contained in that part, and are consistent with the rules on Employee Responsibilities and Conduct in 49 CFR Part 99.

Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in less than thirty days after publication in the Federal Register. This rule is a nonsignificant rule under the Department of Transportation's Regulatory Policies and Procedures.

**List of Subjects in 14 CFR Part 385**

Assignments of functions to staff members.

As Secretary of the Department of Transportation, I amend 14 CFR Part 385, *Staff Assignments and Review of Action under Assignments*, as follows:

**- PART 385—[AMENDED]**

1. The authority of Part 385 continues to read as follows:

**Authority:** 49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1377 and 1386.

2. Add a new § 385.21 to read as follows:

**§ 385.21 Authority of the Chief, Coordination Section, Documentary Services Division.**

The Chief, Coordination Section, Documentary Services Division, has the authority to coordinate and perform all administrative functions of the Department provided for in sections 213 and 5 of Executive Order 12597 issued May 13, 1987, except that this delegation shall not include the exercise of the authority delegated by the President to the Secretary by sections 2 and 5 of that Order to determine not to disapprove

orders of the Department in certain cases.

Issued in Washington, DC, on May 13, 1987.

Elizabeth Hanford Dole,

Secretary of Transportation.

(FR Doc. 87-11518 Filed 5-19-87; 8:45 am)

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**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**14 CFR Part 1206**

**Availability of Agency Records to Members of the Public**

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Interim rule with comments requested.

**SUMMARY:** This action implements certain provisions regarding fees of the Freedom of Information Reform Act (FOIA) of 1986 (Pub. L. 99-570). The Freedom of Information Reform Act permits agencies to charge for the direct costs of providing FOIA services such as search, duplication, and in certain cases review. NASA interprets this "direct cost" provision to mean the actual cost incurred in operating its FOIA program.

NASA invites interested parties to provide comments on this proposal.

**DATE:** Comments must be submitted in writing on or before June 19, 1987. Unless a notice is published in the Federal Register indicating changes to be made, this interim regulation shall take effect as a final regulation July 15, 1987.

**ADDRESS:** Freedom of Information Act Officer, National Aeronautics and Space Administration, Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Patricia M. Riep, 202-453-8346, or Teresa Stremel, 202-453-2465.

**SUPPLEMENTARY INFORMATION:** The National Aeronautics and Space Administration has determined that:

1. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, since it will not exert a significant economic impact on a substantial number of small entities.

2. This rule is not a major rule as defined in Executive Order 12291.

**List of Subjects in 14 CFR Part 1206**

Freedom of Information. Information

DEPARTMENT OF TRANSPORTATION

**Office of the Secretary**

**14 CFR Part 3851**

**(OST Docket No. 1; Amdt. 385-3)**

**STAFF ASSIGNMENTS AND REVIEW OF ACTION UNDER ASSIGNMENTS**

**AGENCY:** Department of Transportation (DOT), Office of the Secretary

**ACTION:** Final Rule

**SUMMARY:** This rule assigns to the Chief, Coordination Section, Documentary Services Division, the authority to perform the coordination functions assigned to the Department by Executive orders establishing procedures for Presidential review of certain Departmental decisions.

**DATE:** This rule is effective upon publication in the Federal Register.

**FOR FURTHER INFORMATION CONTACT:** Lawrence Myers, Office of the General Counsel (C-201, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, D.C. 20590; (202) 366-9183.

**SUPPLEMENTARY INFORMATION:** Section 801 of the Federal Aviation Act (49 U.S.C. 1461) provides for Presidential review of DOT decisions affecting carrier operating rights or prices in foreign air transportation. The President may disapprove any such order for foreign relations or national defense reasons, within 60 days in the case of orders affecting carrier certificates or permits, and within 10 days in the case of orders affecting fares, rates or charges.

Executive Order 12597, issued May 13, 1987 (52 F.R. 18335), assigned to the Department various coordination functions incident to the exercise of that authority, including the transmittal of the Department's decisions to specified Executive departments and agencies, the receipt of the decisions on behalf of the President, the receipt and implementation of classification determinations under Executive Order 12356, the receipt of clearances or written recommendations to the President from the coordinating departments and agencies, and the timely transmittal of any such written recommendations to the Assistant to the President for National Security Affairs for further action. In the case of decisions which elicit no written recommendations to the President, Executive Order 12597 delegates to the Secretary the authority to exercise the President's authority to determine not to disapprove them and to issue such decisions for immediate effectiveness. In a companion rule, the Secretary's review authority is delegated to the General Counsel.

This rule assigns the authority to perform all coordination functions incident to the section 801 review process, except the authority to act for the President delegated to the Secretary as indicated above, to the Chief, Coordination Section, Documentary Services Division.

In a companion final rule, the Department is amending its Rules of Conduct in DOT proceedings, 14 CFR Part 300, to make clear that all communications incident to the section 801 review process are exempted from the prohibitions and restrictions contained in that **part**, and are consistent with the rules on Employee Responsibilities and Conduct in 49 CFR Part 99.

Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in less than thirty days after publication in the Federal Register. This rule is a nonsignificant rule under the Department of Transportation's Regulatory Policies and Procedures.

List of Subjects in 14 CFR Part 385

Assignments of Functions to staff members

As Secretary of the Department of Transportation, I amend 14 CFR Part 385, Staff Assignments and Review of Action under **Assignments**, to read as follows:

1. The authority of Part 385 continues to read as follows:

AUTHORITY: 49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1377 and 1386.

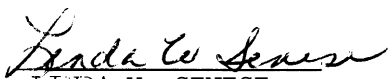
2. Add a new section 385.21, to read as follows:

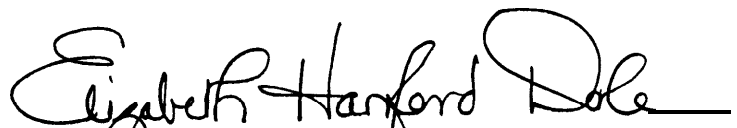
§385.21 Authority of the Chief, Coordination Section, Documentary  
Derivatives Division

The Chief, Coordination Section, Documentary Services Division, has the authority to coordinate and perform all administrative functions of the Department provided for in sections 2, 3 and 5 of Executive Order 12597 issued May 13, 1987, except that this delegation shall not include the exercise of the authority delegated by the President to the Secretary by sections '2 and 5 of that Order to determine not to disapprove orders of the Department in certain cases.

Issued in Washington, DC, on May 13, 1987

CERTIFIED TO BE  
A TRUE COPY OF THE ORIGINAL:

  
LINDA W. SENESE  
CERTIFYING OFFICER

  
Elizabeth Hanford Dole  
Secretary of Transportation